

**REMARKS**

Responsive to the Final Office Action (“Office Action”) mailed March 17, 2008, please consider the following remarks.

Claims 1-3, 7, 8, 13, 15, 17, 19, 152, 180-182, 186, 187, 192, 194, 196, 198 and 331 were elected without traverse and are pending in the application. Claims 4-6, 9-12, 14, 16, 18, 20-151, 153-179, 183-185, 188-191, 193, 195, 197, 199-330, and 332-432 were withdrawn from consideration. In this response, claims 1-3, 8, 17, 19, 180-182, 187, 196, and 198 have been amended. No new matter has been added. Entry of the amendments to claims 1-3, 8, 17, 19, 180-182, 187, 196, and 198 is respectfully requested. Reconsideration of the outstanding rejection in the present application is respectfully requested based on the following remarks.

At the outset, the undersigned thanks the Examiner for the courtesies extended during the interview conducted on May 13, 2008. The claims as amended more clearly reflect the automatic recursive nature of an embodiment of the invention.

**I. Claim Rejections under 35 U.S.C. § 103**

**A. Claims 1-3, 7, 8, 13, 15, 17, 19, 152, 180-182, 186, 187, 192, 194, 196, 198 and 331 are Patentable over Brown in view of Woolard**

Claims 1-3, 7, 8, 13, 15, 17, 19, 152, 180-182, 186, 187, 192, 194, 196, 198 and 331 are currently rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,544,036 to Brown Jr. *et al.* (“Brown”) in view of US Patent 6,178,362 to Woolard *et al.* (“Woolard”). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 103, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. In re Fine, 837 F.2d 1071, 1074 (Fed. Cir. 1988). There are four separate factual inquiries to consider in making an obviousness determination: (1) the scope and content

of the prior art; (2) the level of ordinary skill in the field of the invention; (3) the differences between the claimed invention and the prior art; and (4) the existence of any objective evidence, or “secondary considerations,” of non-obviousness. Graham v. John Deere Co., 383 U.S. 1, 17-18 (1966); see also KSR Int’l Co. v. Teleflex Inc., 127 S. Ct. 1727 (2007). An “expansive and flexible approach” should be applied when determining obviousness based on a combination of prior art references. KSR, 127 S. Ct. at 1739. However, a claimed invention combining multiple known elements is not rendered obvious simply because each element was known independently in the prior art. Id. at 1741. Rather, there must still be some “reason that would have prompted” a person of ordinary skill in the art to combine the elements in the specific way that he or she did. Id.; In re Icon Health & Fitness, Inc., 496 F.3d 1374, 1380 (Fed. Cir. 2007). Also, modification of a prior art reference may be obvious only if there exists a reason that would have prompted a person of ordinary skill to make the change. KSR, 127 S. Ct. at 1740-41.

Regarding claims 1 and 180, the Examiner asserts that the claimed invention would have been obvious in view of Brown and Woolard. Applicants respectfully disagree. However, in order to forward the present application toward allowance, Applicants have amended claims 1 and 180 to more specifically define the claimed invention, and specifically those features that differentiate the claimed invention from Brown and Woolard, as well as the other cited references. In particular, Applicants respectfully submit that Brown and Woolard, fail to disclose, or even suggest, a method and a system for controlling one or more of resource-consumption and resource-production associated with a plurality of remote devices, comprising: generating at least one informational message at a central server, where at least one information message is generated *automatically* “responsive to one or more of resource-consumption by, resource-production by, operating characteristics of, and operational state of at least one device

of the plurality of remote devices.” In contrast, Brown merely discloses that utility command center computer 24 provides signals to transmitter 20, which in turn, provides appropriate paging messages to the various controllers 14. *See, e.g.*, column 4, lines 7-10. Nowhere does Brown disclose, or even suggest, that the signals provided by the utility command center computer 24 to the transmitter 20, are *automatically* generated in “responsive to one or more of resource-consumption by, resource-production by, operating characteristics of, and operational state at least one device of the plurality of remote devices,” as presently claimed. At best, Brown discloses that system 10 may be designed or programmed by appropriate paging messages to require each control unit 26 or 28 to report its status back to command center 22 or 24. *See, e.g.*, column 6, lines 35-41. However, Brown fails to disclose, or even suggest, that signals provided by the utility command center computer 24 to the transmitter 20, are *automatically* generated by the utility command center computer 24 *in response* to paging messages reported by control unit 26 or 28. Therefore, Applicants respectfully submit that Brown fails to disclose, or even suggest, this automatic recursive feature as presently claimed. Also, other applied references (e.g., Woolard) fail to disclose or teach this automatic recursive feature as presently claimed by Applicants. Accordingly, it is respectfully submitted that claims 1 and 180 are allowable over Brown and Woolard.

In addition, the combination of Brown and Woolard fails to disclose, or even suggest, “transmitting the at least one informational message to at least one communication device, where the at least one communication device initiates at least one action for providing a change of one or more of resource-consumption by, resource-production by, operating characteristics of, and operational state of one or more of the following: a) the at least one device of the plurality of remote devices, b) one or more second devices of the plurality of remote devices, wherein the

one or more second devices is different from the at least one device and c) one or more devices of a second plurality of remote devices, wherein the second plurality of remote devices is different from the plurality of remote devices.” This concept is simply not disclosed by Brown or Woolard, either alone or in combination.

Regarding claims 2, 3, 7, 8, 13, 15, 17, 19, 152, 181, 182, 186, 187, 192, 194, 196, 198 and 331 these claims are dependent upon independent claims 1 and 180. Thus, since independent claims 1 and 180 should be allowable as discussed above, claims 2, 3, 7, 8, 13, 15, 17, 19, 152, 181, 182, 186, 187, 192, 194, 196, 198 and 331 should also be allowable at least by virtue of their dependency on independent claims 1 and 180. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

**B. Neither Brown nor Woolard disclose “receiving at least one command” as recited by Claims 3 and 182.**

Dependent claim 3 recites “receiving at least one command at the central server, wherein the at least one command is related to controlling the at least one device and wherein the at least one informational message is generated based on the at least one command.” Dependent claim 182 recites a similar limitation. Recognizing the deficiencies in Brown, the Office Action relies on Woolard to meet this admittedly missing limitation by turning to column 5, lines 47-51 of Woolard. Nothing in this highlighted section or the entire disclosure of Woolard meets the limitations of claims 3 and 182. Woolard purports to disclose the ability to diagnose energy usage problems and develop strategies to reduce energy costs by optimizing responses to queries by the user based on the time of day, the current energy rate and environmental conditions. There is nothing in Woolard that provides any teaching or suggestion that an information message is generated based on the at least one command. However, the Office Action has failed

to show how this disclosure meets the limitation of “receiving at least one command at the central server” and further where “the at least one command is related to controlling at least one device and wherein the at least one informational message is generated based on the at least one command.” These claim features are simply missing from the disclosure of Woolard.

**C. Neither Brown nor Woolard disclose “a user profile” as recited by Claims 13, 14, 152, 192, 194 and 331.**

Dependent claim 13 recites “wherein the at least one command is generated in accordance with a user profile.” Dependent claim 192 recites a similar limitation. Dependent claims 14 and 194 depend on claims 13 and 192, respectively. Dependent claim 152 recites that “wherein the at least one command is from a user associated with the at least one device, the user having an associated user profile.” Dependent claim 331 recites a similar limitation.

Recognizing the deficiencies in Brown, the Office Action relies on Woolard to meet this admittedly missing limitation by turning to column 6, lines 49-54 of Woolard. Nothing in this highlighted section or the entire disclosure of Woolard meets the limitations of claim 13, 14, 152, 192, 194 and 331. Woolard purports to disclose the user to customize, create or update a particular site to add various information. However, the Office Action has failed to show how this disclosure meets the limitation of “a user profile” and further where “the at least one command is generated in accordance with a user profile.” The disclosure relied upon by the Office Action for meeting the “at least one command” limitation and the “user profile” limitations are unrelated. Therefore, it is clear that Woolard fails to show “wherein the at least one command is generated in accordance with a user profile.” The claim limitations directed to a user profile are simply missing from the disclosure of Woolard.

In view of the foregoing,, it is respectfully requested that the aforementioned obviousness rejection of claims 1-3, 7, 8, 13, 15, 17, 19, 152, 180-182, 186, 187, 192, 194, 196, 198 and 331 be withdrawn.

**CONCLUSION**

In view of the foregoing amendments and arguments, it is respectfully submitted that this application is in condition for allowance. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

It is believed that no additional fees are due for filing this Response. However, the Director is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. Applicants also authorize the Director to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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Dated: July 17, 2008

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